

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

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MAR 5 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

United States of America,

Plaintiff,

vs.

FRANCISCO JAVIER CARDENAS-MOLINA

Defendant.

CR 08-50015-001-TUC-RCC(JCG)

MAGISTRATE JUDGE'S  
FINDINGS AND RECOMMENDATION  
UPON ADMISSION(S)

Upon Defendant's request to enter admission(s) of guilt to the allegation(s) that he/she violated the conditions of ☐ probation or ☒ supervised release this matter was referred to the Magistrate Judge by the District Court, with the written consent of the Defendant, counsel for the Defendant, and counsel for the United States.

Thereafter, in open court and on the record, the matter came on for hearing on Defendant's admission(s) to the allegation(s) in the Petition to Revoke before the Magistrate Judge.

In consideration of that hearing and the admission made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney,

(A) I FIND as follows:

- (1) that Defendant is competent to admit the violation(s);
- (2) that Defendant understands the nature of the allegation(s) against him/her;
- (3) that Defendant understands his/her right to an evidentiary hearing and has knowingly, intelligently and voluntarily waived his/her right to that hearing;
- (4) that Defendant understands the sentencing options the Court may impose as a result of his/her admission(s);
- (5) that Defendant has admitted the following allegation(s)

B;

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- (6) that there is a factual basis for the Defendant's admission(s);
- (7) that the admission(s) by the Defendant has/have been knowingly, intelligently and voluntarily made and is/are not the result of force or threats or of promises apart from the plea agreement between the parties;

(8) ☒ that the government will recommend a ☐ sentence ☐ sentencing cap

☒ sentencing range ☐ disposition of 18-21 months incarceration

☐ with ☐ without agreement as to whether the sentence/disposition will run consecutive to or concurrent with any other sentence/disposition;

(9) ☐ that the government will recommend a period of incarceration not to exceed the middle of the applicable guideline range under U.S.S.G § 7B1.4(a) (Revocation Table), and not below the minimum of that range

☐ with ☒ without agreement as to whether the sentence/disposition will run consecutive to or concurrent with any other sentence/disposition;

☒ that NO supervised release to follow;

☐ that supervised release is to be determined by the court;

☐ that there is no sentencing/disposition agreement;

☐ that it is agreed that remaining violations in the petition will be dismissed at sentencing; and further,

☐ Defendant waives his/her right to appeal the judgment and sentence/disposition of the supervised release;

☒ Defendant waives his/her right to collaterally attack the validity or correctness of his/her conviction or sentence/disposition;

☒ Written plea agreement submitted;

☐ Oral agreement of parties;

☐ No written plea agreement submitted;

(B) I RECOMMEND that the District Court accept the Defendant's admission(s).

DATED: 3/5/2008.

  
UNITED STATES MAGISTRATE JUDGE